

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL APPEAL No 969 of 1998

with

CRIMINAL REVISION APPLICATION No 624 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE B.C.PATEL and

MR.JUSTICE A.K.TRIVEDI

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
 2. To be referred to the Reporter or not?
 3. Whether Their Lordships wish to see the fair copy of the judgement?
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge?

STATE OF GUJARAT

Versus

MINAXIBEN NATVARLAL BHATT

Appearance:

1. Criminal Appeal No. 969 of 1998
Mr. L.R. Puraji, Addl. PUBLIC PROSECUTOR for appellant
 2. Criminal Revision ApplicationNo 624 of 1998
MR DHIRENDRA MEHTA for appellant
MR. L.R. Pujari, Addl. Public Prosecutor
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CORAM : MR.JUSTICE B.C.PATEL and
MR.JUSTICE A.K.TRIVEDI

Date of decision: 08/04/99

ORAL JUDGEMENT (Per Patel, J.)

Against the order of acquittal recorded by Additional Sessions Judge, Rajkot on 16.7.1998 in Sessions Case No. 59 of 1996, State has preferred Criminal Appeal No. 969 of 1998 and the original informant has preferred Criminal Revision Application No. 624 of 1998.

2. Accused Meenakshiben was tried for offences punishable under the provisions contained in Scheduled Castes and Tribes (Prevention of Atrocities) Act, 1989. On appreciation of evidence the trial Court acquitted the accused. The trial Court has held that there is delay in filing the complaint which has not been explained. From the evidence it transpires that there are contradictions in the evidence of the complainant and other witnesses with regard to the words uttered. It also transpires that the complainant was trying to snatch the position of the accused since 1990 and she has failed in that effort. The post held by the accused was earlier held by a male and ultimately the accused was put in charge of that post which was demanded by the complainant. Facilities extended to the person holding the post seems to be the attraction. It is required to be noted that applications were invited. The complainant and the accused submitted applications. The accused was the successful candidate and was therefore appointed, while the complaint was unsuccessful and therefore was not selected and not appointed. Even whenever the accused was on leave, the complainant used to insist that the charge should be given to her, but the Commissioner was not giving the charge to her but the charge was being given to some other person. There is a reference to one Lilaben, whose services were terminated but the complainant was not willing to admit the same. It also transpires that the accused gave memos to Jyotsna, Annapurna and Lalitaben who were serving with the complainant. It is also required to be noted that other independent persons such as Peons, Clerks were also present but they have not been examined but only the aforesaid three persons to whom the accused gave memos were examined by the complainant. The trial Court has pointed out that these three persons were not required to come to the office every day. One incident is alleged to have taken place in the chamber and therefore none could have seen the incident. It also appears that the accused is a strict officer which is admitted by the witnesses. Thus, the case rests on evidence of three witnesses who are on enemical terms with the accused. The Court also has to consider the

fact that eventhough memos were issued to these three witnesses, they have not admitted the same; This clearly indicates that these witnesses have no regard to truth.

3. On appreciation of evidence, the Court has acquitted the accused. In view of this, we do not find any reason to interfere with the order passed by the trial Court.

4. The appeal is dismissed. Revision Application is rejected.

csm./ -----